

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

NORMAN WILLIAMS, *et al.*,

Plaintiffs,

v.

ROMARM S.A.,

Defendant.

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Case No.: 8:14-cv-03124-TDC

DEFENDANT’S MOTION TO DISMISS

COMES NOW Defendant Romarm S.A. (“Romarm”), by and through its undersigned attorneys, and brings this motion to dismiss Plaintiff’s Complaint pursuant to Rule 12 of the Federal Rules of Civil Procedure.

1. This case arises from criminal shootings that occurred in Washington, D.C. in March 2010. (See Dkt. No. 1-1, Plt. Compl., ¶¶ 5-6.) Defendant Romarm “is a foreign corporation and firearms manufacturer owned by the Romanian government and located in Bucharest, Romania. Romarm sells its products in Romania to an American distributor that imports them into the United States for sale.” Williams v. Romarm, S.A., 756 F.3d 777, 778 (D.C. Cir. 2014). Plaintiff alleges that Romarm manufactured a firearm that was eventually illegally transported into Washington, D.C. and utilized to injure the plaintiffs.

2. Plaintiffs Norman Williams and Diane Howe previously commenced a lawsuit against Defendant in Washington, D.C., but after removal, the case was dismissed by the United States District Court for the District of Columbia due to a lack of personal jurisdiction. This decision was affirmed by appeal to the Court of Appeals for the District of Columbia Circuit. See Williams, 756 F.3d at 777.

3. Plaintiffs Williams and Howe are reasserting their claims and are now joined by two new Plaintiffs, Kevin Attaway and Jamel Blakeley. Plaintiffs commenced this post-dismissal action in the State of Maryland, but Defendant removed the case to this Court.

4. Defendant moves to dismiss on four separate bases: (1) lack of personal jurisdiction pursuant to Rule 12(b)(2); (2) improper venue pursuant to Rule 12(b)(3); (3) insufficient service of process pursuant to Rule 12(b)(5); and (4) failure to state a claim pursuant to Rule 12(b)(6) for Plaintiffs Attaway and Blakeley.

5. As will be demonstrated in greater detail in the attached memorandum, Plaintiffs have failed to plead facts establishing that Defendant has the requisite minimum contacts with the forum to establish due process. As recognized by the Supreme Court, and by the District of Columbia Circuit in the prior lawsuit, the allegation that a firearm manufactured by Defendant was transported into Maryland and then subsequently illegally transported into the District of Columbia cannot satisfy due process. McIntyre Mach., Ltd. v. Nicastro, 131 S. Ct 2780, 2788 (2011).

6. Additionally, venue is improper because three of the plaintiffs do not reside in Maryland and the Complaint lacks any factual allegations establishing that a substantial part of the events giving rise to this claim occurred in Maryland.

7. Further, it is undisputed that Plaintiffs have never properly served Defendant, which requires dismissal pursuant to Rule 12(b)(5).

8. Finally, Plaintiffs Attaway and Blakeley claim to have been injured on or about March 30, 2010. Yet, they did not file a lawsuit until September 2, 2014. Thus, under the applicable law, their claims are barred pursuant to the statute of limitations. See Md. Cts. & Jud. Proc. Code § 5-101.

WHEREFORE, based on the foregoing and upon the legal authorities outlined in the attached memorandum in support, which is incorporated herein by reference, Defendant respectfully requests that this Court enter an Order dismissing Plaintiffs' lawsuit and providing whatever other and further relief deemed necessary and just.

Dated: Washington, DC
October 10, 2014

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon the following persons
by United States First Class Mail, postage prepaid, this 10th day of October 2014.

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